

of such States, Puerto Rico, the Virgin Islands, or Guam, or established by the governing boards of colleges of agriculture and mechanic arts in accordance with the authority vested in them, and to deposit such amounts to the credit of such retirement systems for subsequent disbursement in accordance with the terms of the retirement systems in effect in the respective States, Puerto Rico, the Virgin Islands, and Guam: *Provided*, That there shall not be deducted from Federal funds and deposited to the credit of retirement accounts as employer contributions, amounts in excess of 5 per centum of that portion of the salaries of employees paid from such Federal funds: *Provided further*, That, for the purpose of making deposits and contributions in retirement systems in favor of any employee, in no event shall the deductions from any Federal fund advanced pursuant to the foregoing Acts be in greater proportion to the total deductions for such employee than the salary received under such Federal funds bears to the total salary from Federal sources: *Provided further*, That the deposits and contributions from funds of Federal origin to any retirement system established by a State, Puerto Rico, the Virgin Islands, or Guam or a land-grant college must be at least equaled by the total contributions thereto on the part of the individuals concerned, the State, Puerto Rico, the Virgin Islands, or Guam, and the counties: *And provided further*, That no deductions for the foregoing purposes shall be made from Federal funds in support of employees appointed pursuant to the terms of the foregoing Acts, whose salaries are paid wholly by the States, Puerto Rico, the Virgin Islands, or Guam: *Provided further*, That the provisions of this section shall not apply to any employee paid in whole or in part from Federal funds who may be subject to subchapter III of chapter 83 of title 5.

(Mar. 4, 1940, ch. 38, 54 Stat. 39; Pub. L. 92-318, title V, § 506(e), June 23, 1972, 86 Stat. 351.)

REFERENCES IN TEXT

The Act approved July 2, 1862, referred to in text, is act July 2, 1862, ch. 130, 12 Stat. 503, as amended, known as the "Morrill Act" and also known as the "First Morrill Act", which is classified generally to subchapter I (§ 301 et seq.) of this chapter. "Acts supplementary thereto" include act Aug. 30, 1890, ch. 841, 26 Stat. 417, as amended, popularly known as the Agricultural College Act of 1890, and also known as the Second Morrill Act, which is classified generally to subchapter II (§ 321 et seq.) of this chapter. For complete classification of these Acts to the Code, see Short Title notes set out under sections 301 and 321 of this title and Tables.

CODIFICATION

"Subchapter III of chapter 83 of title 5" substituted in text for "United States Civil Service Retirement Act, as amended" on authority of Pub. L. 89-544, § 7(b), Sept. 6, 1966, 80 Stat. 631, 632, the first section of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1972—Pub. L. 92-318 substituted ", Puerto Rico, the Virgin Islands, and Guam" and ", Puerto Rico, the Virgin Islands, or Guam" for "and Territories" and "or Territories", respectively, wherever appearing and inserted in third proviso reference to Puerto Rico, Virgin Islands, and Guam.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-318 effective after June 30, 1970, see section 506(n) of Pub. L. 92-318, set out as an Effective Date note under section 326a of this title.

SUBCHAPTER IV—AGRICULTURAL EXTENSION WORK APPROPRIATION

§ 341. Cooperative extension work by colleges

In order to aid in diffusing among the people of the United States useful and practical information on subjects relating to agriculture, uses of solar energy with respect to agriculture, home economics, and rural energy, and to encourage the application of the same, there may be continued or inaugurated in connection with the college or colleges in each State, Territory, or possession, now receiving, or which may hereafter receive, the benefits of subchapters I and II of this chapter, agricultural extension work which shall be carried on in cooperation with the United States Department of Agriculture: *Provided*, That in any State, Territory, or possession in which two or more such colleges have been or hereafter may be established, the appropriations hereinafter made to such State, Territory, or possession shall be administered by such college or colleges as the legislature of such State, Territory, or possession may direct. For the purposes of this subchapter, the term "solar energy" means energy derived from sources (other than fossil fuels) and technologies included in the Federal Non-Nuclear¹ Energy Research and Development Act of 1974, as amended [42 U.S.C. 5901 et seq.].

(May 8, 1914, ch. 79, § 1, 38 Stat. 372; June 26, 1953, ch. 157, § 1, 67 Stat. 83; Pub. L. 95-113, title XIV, § 1447(1), (2), Sept. 29, 1977, 91 Stat. 1011; Pub. L. 96-294, title II, § 256(1), June 30, 1980, 94 Stat. 708.)

REFERENCES IN TEXT

The Federal Nonnuclear Energy Research and Development Act of 1974, as amended, referred to in text, is Pub. L. 93-577, Dec. 31, 1974, 88 Stat. 1878, as amended, which is classified generally to chapter 74 (§ 5901 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5901 of Title 42 and Tables.

CODIFICATION

Another section 1447 of Pub. L. 95-113 is classified to section 3222b of this title.

AMENDMENTS

1980—Pub. L. 96-294 inserted reference to rural energy.

1977—Pub. L. 95-113 inserted reference to the uses of solar energy with respect to agriculture and inserted definition of "solar energy".

1953—Act June 26, 1953, inserted "continued or" before "inaugurated" near beginning of section, inserted references to "territory, or possession" after "State," wherever the latter term appeared, and struck out a second proviso which continued farm management work and farmers' cooperative demonstration work as conducted May 8, 1914, pending inauguration and development of cooperative extension work under sections 341-343 and 344-348 of this title.

¹ So in original. Probably should be "Nonnuclear".

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-113 effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as a note under section 1307 of this title.

SHORT TITLE

Act May 8, 1914, ch. 79, §11, as added by Pub. L. 105-185, §3(a), June 23, 1998, 112 Stat. 525, provided that: "This Act [enacting this subchapter] may be cited as the 'Smith-Lever Act'."

Act May 8, 1914, as amended, is also popularly known as the "Agricultural Extension Work Act".

TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, §1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

§ 342. Cooperative agricultural extension work; cooperation with Secretary of Agriculture

Cooperative agricultural extension work shall consist of the development of practical applications of research knowledge and giving of instruction and practical demonstrations of existing or improved practices or technologies in agriculture, uses of solar energy with respect to agriculture, home economics, and rural energy and subjects relating thereto to persons not attending or resident in said colleges in the several communities, and imparting information on said subjects through demonstrations, publications, and otherwise and for the necessary printing and distribution of information in connection with the foregoing; and this work shall be carried on in such manner as may be mutually agreed upon by the Secretary of Agriculture and the State agricultural college or colleges or Territory or possession receiving the benefits of this subchapter.

(May 8, 1914, ch. 79, §2, 38 Stat. 373; June 26, 1953, ch. 157, §1, 67 Stat. 84; Pub. L. 87-749, §1(a), Oct. 5, 1962, 76 Stat. 745; Pub. L. 95-113, title XIV, §1447(3), Sept. 29, 1977, 91 Stat. 1011; Pub. L. 96-294, title II, §256(2), June 30, 1980, 94 Stat. 708; Pub. L. 99-198, title XIV, §1435(a), Dec. 23, 1985, 99 Stat. 1557.)

CODIFICATION

Another section 1447 of Pub. L. 95-113 is classified to section 3222b of this title.

AMENDMENTS

1985—Pub. L. 99-198 substituted "shall consist of the development of practical applications of research knowledge and giving of instruction and practical demonstrations of existing or improved practices or technologies" for "shall consist of the giving of instructions and practical demonstrations".

1980—Pub. L. 96-294 inserted reference to rural energy.

1977—Pub. L. 95-113 inserted reference to uses of solar energy with respect to agriculture.

1962—Pub. L. 87-749 inserted "or Territory or possession" after "college or colleges".

1953—Act June 26, 1953, inserted "and subjects relating thereto" after "agriculture and home economics" near beginning of section, and inserted reference to necessary printing and distribution of information.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-198 effective Oct. 1, 1985, see section 1435(d) of Pub. L. 99-198, set out as a note under section 343 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-113 effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as a note under section 1307 of this title.

§ 343. Appropriations; distribution; allotment and apportionment; Secretary of Agriculture; matching funds; cooperative extension activities

(a) There are authorized to be appropriated for the purposes of this subchapter such sums as Congress may from time to time determine to be necessary.

(b)(1) Out of such sums, each State and the Secretary of Agriculture shall be entitled to receive annually a sum of money equal to the sums available from Federal cooperative extension funds for the fiscal year 1962, and subject to the same requirements as to furnishing of equivalent sums by the State, except that amounts heretofore made available to the Secretary for allotment on the basis of special needs shall continue available for use on the same basis.

(2) There is authorized to be appropriated for the fiscal year ending June 30, 1971, and for each fiscal year thereafter, for payment to the Virgin Islands, Guam, and the Northern Mariana Islands, \$100,000 each, which sums shall be in addition to the sums appropriated for the several States of the United States and Puerto Rico under the provisions of this section. The amount paid by the Federal Government to the Virgin Islands and Guam pursuant to this paragraph shall not exceed during any fiscal year, except the fiscal years ending June 30, 1971, and June 30, 1972, when such amount may be used to pay the total cost of providing services pursuant to this subchapter, the amount available and budgeted for expenditure by the Virgin Islands and Guam for the purposes of this subchapter.

(3) There are authorized to be appropriated for the fiscal year ending June 30, 1996, and for each fiscal year thereafter, for payment on behalf of the 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994), such sums as are necessary for the purposes set forth in section 342 of this title. The balance of any annual funds provided under the preceding sentence for a fiscal year that remains unexpended at the end of that fiscal year shall remain available without fiscal year limitation. Such sums shall be in addition to the sums appropriated for the several States and Puerto Rico, the Virgin Islands, and Guam under the provisions of this section. Such sums shall be distributed on the basis of a competitive application process to be developed and implemented by the Secretary and paid by the Secretary to 1994 Institutions (in accordance with regulations that the Secretary may promulgate) and may be administered by the 1994 Institutions through cooperative agreements with colleges and universities eligible to receive funds under subchapters I and II of this chapter, including Tuskegee University, located in any State.

(4) ANNUAL APPROPRIATION FOR HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.—

(A) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to the Secretary for payments to Hispanic-serving

agricultural colleges and universities (as defined in section 3103 of this title) such sums as are necessary to carry out this paragraph for fiscal year 2008 and each fiscal year thereafter, to remain available until expended.

(B) **ADDITIONAL AMOUNT.**—Amounts made available under this paragraph shall be in addition to any other amounts made available under this section to States, the Commonwealth of Puerto Rico, Guam, or the United States Virgin Islands.

(C) **ADMINISTRATION.**—Amounts made available under this paragraph shall be—

(i) distributed on the basis of a competitive application process to be developed and implemented by the Secretary;

(ii) paid by the Secretary to the State institutions established in accordance with the Act of July 2, 1862 (commonly known as the “First Morrill Act”) (7 U.S.C. 301 et seq.); and

(iii) administered by State institutions through cooperative agreements with the Hispanic-serving agricultural colleges and universities in the State in accordance with regulations promulgated by the Secretary.

(c) Any sums made available by the Congress for further development of cooperative extension work in addition to those referred to in subsection (b) of this section shall be distributed as follows:

(1) Four per centum of the sum so appropriated for each fiscal year shall be allotted to the Secretary of Agriculture for administrative, technical, and other services, and for coordinating the extension work of the Department and the several States, Territories, and possessions.

(2) Of the remainder so appropriated for each fiscal year 20 per centum shall be paid to the several States in equal proportions, 40 per centum shall be paid to the several States in the proportion that the rural population of each bears to the total rural population of the several States as determined by the census, and the balance shall be paid to the several States in the proportion that the farm population of each bears to the total farm population of the several States as determined by the census. Any appropriation made hereunder shall be allotted in the first and succeeding years on the basis of the decennial census current at the time such appropriation is first made, and as to any increase, on the basis of decennial census current at the time such increase is first appropriated.

(d) The Secretary of Agriculture shall receive such additional amounts as Congress shall determine for administration, technical, and other services and for coordinating the extension work of the Department and the several States, Territories, and possessions. A college or university eligible to receive funds under subchapter II of this chapter, including Tuskegee University, may compete for and receive funds directly from the Secretary of Agriculture.

(e) **MATCHING FUNDS.**—

(1) **REQUIREMENT.**—Except as provided in paragraph (4) and subsection (f) of this section, no allotment shall be made to a State under

subsection (b) or (c) of this section, and no payments from the allotment shall be made to a State, in excess of the amount that the State makes available out of non-Federal funds for cooperative extension work.

(2) **FAILURE TO PROVIDE MATCHING FUNDS.**—If a State fails to comply with the requirement to provide matching funds for a fiscal year under paragraph (1), the Secretary of Agriculture shall withhold from payment to the State for that fiscal year an amount equal to the difference between—

(A) the amount that would be allotted and paid to the State under subsections (b) and (c) of this section (if the full amount of matching funds were provided by the State); and

(B) the amount of matching funds actually provided by the State.

(3) **REAPPORTIONMENT.**—

(A) **IN GENERAL.**—The Secretary of Agriculture shall reapportion amounts withheld under paragraph (2) for a fiscal year among the States satisfying the matching requirement for that fiscal year.

(B) **MATCHING REQUIREMENT.**—Any reapportionment of funds under this paragraph shall be subject to the matching requirement specified in paragraph (1).

(4) **EXCEPTION FOR INSULAR AREAS.**—

(A) **IN GENERAL.**—Effective beginning for fiscal year 2003, in lieu of the matching funds requirement of paragraph (1), the insular areas of the Commonwealth of Puerto Rico, Guam, and the Virgin Islands of the United States shall provide matching funds from non-Federal sources in an amount equal to not less than 50 percent of the formula funds distributed by the Secretary to each of the insular areas, respectively, under this section.

(B) **WAIVERS.**—The Secretary may waive the matching fund requirement of subparagraph (A) for any fiscal year if the Secretary determines that the government of the insular area will be unlikely to meet the matching requirement for the fiscal year.

(f) **MATCHING FUNDS EXCEPTION FOR 1994 INSTITUTIONS AND HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.**—There shall be no matching requirement for funds made available to a 1994 Institution or Hispanic-serving agricultural colleges and universities in accordance with paragraphs (3) and (4) of subsection (b).

(g)(1) The Secretary of Agriculture may conduct educational, instructional, demonstration, and publication distribution programs and enter into cooperative agreements with private nonprofit and profit organizations and individuals to share the cost of such programs through contributions from private sources as provided in this subsection.

(2) The Secretary may receive contributions under this subsection from private sources for the purposes described in paragraph (1) and provide matching funds in an amount not greater than 50 percent of such contributions.

(h) **MULTISTATE COOPERATIVE EXTENSION ACTIVITIES.**—

(1) **IN GENERAL.**—Not less than the applicable percentage specified under paragraph (2) of the

amounts that are paid to a State under subsections (b) and (c) of this section during a fiscal year shall be expended by States for cooperative extension activities in which 2 or more States cooperate to solve problems that concern more than 1 State (referred to in this subsection as “multistate activities”).

(2) APPLICABLE PERCENTAGES.—

(A) 1997 EXPENDITURES ON MULTISTATE ACTIVITIES.—Of the Federal formula funds that were paid to each State for fiscal year 1997 under subsections (b) and (c) of this section, the Secretary of Agriculture shall determine the percentage that the State expended for multistate activities.

(B) REQUIRED EXPENDITURES ON MULTISTATE ACTIVITIES.—Of the Federal formula funds that are paid to each State for fiscal year 2000 and each subsequent fiscal year under subsections (b) and (c) of this section, the State shall expend for the fiscal year for multistate activities a percentage that is at least equal to the lesser of—

(i) 25 percent; or

(ii) twice the percentage for the State determined under subparagraph (A).

(C) REDUCTION BY SECRETARY.—The Secretary may reduce the minimum percentage required to be expended for multistate activities under subparagraph (B) by a State in a case of hardship, infeasibility, or other similar circumstance beyond the control of the State, as determined by the Secretary.

(D) PLAN OF WORK.—The State shall include in the plan of work of the State required under section 344 of this title a description of the manner in which the State will meet the requirements of this paragraph.

(3) APPLICABILITY.—This subsection does not apply to funds provided—

(A) by a State or local government pursuant to a matching requirement;

(B) to a 1994 Institution (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103-382; 7 U.S.C. 301 note)); or

(C) to the Commonwealth of Puerto Rico, the Virgin Islands, or Guam.

(i) MERIT REVIEW.—

(1) REVIEW REQUIRED.—Effective October 1, 1999, extension activity carried out under subsection (h) of this section shall be subject to merit review.

(2) OTHER REQUIREMENTS.—An extension activity for which merit review is conducted under paragraph (1) shall be considered to have satisfied the requirements for review under section 7613(e) of this title.

(j) INTEGRATION OF RESEARCH AND EXTENSION.—Section 361c(i) of this title shall apply to amounts made available to carry out this subchapter.

(May 8, 1914, ch. 79, § 3, 38 Stat. 373; June 26, 1953, ch. 157, § 1, 67 Stat. 84; Pub. L. 87-749, § 1(b)-(e), Oct. 5, 1962, 76 Stat. 745; Pub. L. 92-318, title V, § 506(g), June 23, 1972, 86 Stat. 351; Pub. L. 95-113, title XIV, § 1465, Sept. 29, 1977, 91 Stat. 1018; Pub. L. 99-198, title XIV, § 1435(b), Dec. 23, 1985, 99

Stat. 1557; Pub. L. 99-396, § 9(e), Aug. 27, 1986, 100 Stat. 840; Pub. L. 103-382, title V, § 534(b), Oct. 20, 1994, 108 Stat. 4050; Pub. L. 104-127, title VIII, § 883(a), Apr. 4, 1996, 110 Stat. 1176; Pub. L. 105-185, title I, § 105, title II, §§ 201, 203(b), (c)(2), 204(b), June 23, 1998, 112 Stat. 529, 531, 534, 536; Pub. L. 105-277, div. A, § 101(a) [title VII, § 753(e)], Oct. 21, 1998, 112 Stat. 2681, 2681-33; Pub. L. 107-171, title VII, §§ 7213(b), 7215, May 13, 2002, 116 Stat. 448; Pub. L. 110-234, title VII, §§ 7129(b), 7403(a), May 22, 2008, 122 Stat. 1226, 1246; Pub. L. 110-246, § 4(a), title VII, §§ 7129(b), 7403(a), June 18, 2008, 122 Stat. 1664, 1987, 2007.)

REFERENCES IN TEXT

Section 532 of the Equity in Educational Land-Grant Status Act of 1994, referred to in subsec. (b)(3), is section 532 of Pub. L. 103-382, which is set out as a note under section 301 of this title.

The Act of July 2, 1862, referred to in subsec. (b)(4)(C)(ii), is act July 2, 1862, ch. 130, 12 Stat. 503, popularly known as the “Morrill Act” and also as the “First Morrill Act”, which is classified generally to subchapter I (§ 301 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 301 of this title and Tables.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Subsec. (b)(4). Pub. L. 110-246, § 7129(b)(1), added par. (4).

Subsec. (d). Pub. L. 110-246, § 7403(a), substituted “compete for and receive funds directly from the Secretary of Agriculture.” for “apply for and receive directly from the Secretary of Agriculture—

“(1) amounts made available under this subsection after September 30, 1995, to carry out programs or initiatives for which no funds were made available under this subsection for fiscal year 1995, or any previous fiscal year, as determined by the Secretary; and

“(2) amounts made available after September 30, 1995, to carry out programs or initiatives funded under this subsection prior to that date that are in excess of the highest amount made available for the programs or initiatives under this subsection for fiscal year 1995, or any previous fiscal year, as determined by the Secretary.”

Subsec. (f). Pub. L. 110-246, § 7129(b)(2), in heading, inserted “and Hispanic-Serving Agricultural Colleges and Universities” after “1994 INSTITUTIONS” and, in text, substituted “or Hispanic-serving agricultural colleges and universities in accordance with paragraphs (3) and (4) of subsection (b)” for “pursuant to subsection (b)(3) of this section”.

2002—Subsec. (b)(3). Pub. L. 107-171, § 7215, substituted “such sums as are necessary” for “\$5,000,000” and inserted “The balance of any annual funds provided under the preceding sentence for a fiscal year that remains unexpended at the end of that fiscal year shall remain available without fiscal year limitation.” after “section 342 of this title.”

Subsec. (e)(4). Pub. L. 107-171, § 7213(b), added par. (4) and struck out heading and text of former par. (4). Text read as follows: “In lieu of the matching funds requirement of paragraph (1), the Commonwealth of Puerto Rico, the Virgin Islands, and Guam shall be subject to the same matching funds requirements as those applicable to an eligible institution under section 3222d of this title.”

1998—Subsec. (b)(1). Pub. L. 105-185, § 203(c)(2)(A), substituted “Secretary of Agriculture” for “Federal Extension Service”.

Subsec. (b)(3). Pub. L. 105-185, § 201, substituted “1994 Institutions (in accordance with regulations that the Secretary may promulgate) and may be administered by the 1994 Institutions through cooperative agreements with colleges and universities eligible to receive funds under subchapters I and II of this chapter, including Tuskegee University, located in any State.” for “State institutions established in accordance with the provisions of subchapter I of this chapter (other than 1994 Institutions) and administered by such institutions through cooperative agreements with 1994 Institutions in the States of the 1994 Institutions in accordance with regulations that the Secretary shall adopt.”

Subsec. (c)(1). Pub. L. 105-185, § 203(b)(1)(A), (c)(2)(A), redesignated par. 1 as (1) and substituted “Secretary of Agriculture” for “Federal Extension Service”.

Subsec. (c)(2). Pub. L. 105-185, § 203(b)(1), redesignated par. 2 as (2) and substituted “census. Any” for “census: *Provided*, That payments out of the additional appropriations for further development of extension work authorized herein may be made subject to the making available of such sums of public funds by the States from non-Federal funds for the maintenance of cooperative agricultural extension work provided for in this subchapter, as may be provided by the Congress at the time such additional appropriations are made: *Provided further*, That any”.

Subsec. (d). Pub. L. 105-185, § 203(c)(2)(A), substituted “Secretary of Agriculture” for “Federal Extension Service”.

Subsec. (e). Pub. L. 105-185, § 203(b)(2), added subsec. (e) and struck out former subsec. (e) which read as follows: “Insofar as the provisions of subsections (b) and (c) of this section, which require or permit Congress to require matching of Federal funds, apply to the Virgin Islands of the United States and Guam, such provisions shall be deemed to have been satisfied, for the fiscal years ending September 30, 1978, and September 30, 1979, only, if the amounts budgeted and available for expenditure by the Virgin Islands of the United States and Guam in such years equal the amounts budgeted and available for expenditure by the Virgin Islands of the United States and Guam in the fiscal year ending September 30, 1977.”

Subsec. (e)(1). Pub. L. 105-277, § 101(a) [title VII, § 753(e)(1)], inserted “paragraph (4) and” after “provided in”.

Subsec. (e)(4). Pub. L. 105-277, § 101(a) [title VII, § 753(e)(2)], added par. (4).

Subsec. (f). Pub. L. 105-185, § 203(b)(2), added subsec. (f) and struck out former subsec. (f) which read as follows: “There shall be no matching requirement for funds made available pursuant to subsection (b)(3) of this section.”

Subsec. (g)(1). Pub. L. 105-185, § 203(c)(2)(B), struck out “through the Federal Extension Service” after “distribution programs”.

Subsecs. (h), (i). Pub. L. 105-185, § 105, added subsecs. (h) and (i).

Subsec. (j). Pub. L. 105-185, § 204(b), added subsec. (j).

1986—Subsec. (d). Pub. L. 104-127 inserted at end “A college or university eligible to receive funds under subchapter II of this chapter, including Tuskegee University, may apply for and receive directly from the Secretary of Agriculture—” and added pars. (1) and (2).

1994—Subsec. (b)(3). Pub. L. 103-382, § 534(b)(1), added par. (3).

Subsecs. (f), (g). Pub. L. 103-382, § 534(2), (3), added subsec. (f) and redesignated former subsec. (f) as (g).

1986—Subsec. (b)(2). Pub. L. 99-396 substituted “Guam, and the Northern Mariana Islands” for “and Guam” in provision authorizing an appropriation each fiscal year for the payment of \$100,000 in addition to the sums appropriated for the States and Puerto Rico.

1985—Subsec. (f). Pub. L. 99-198 added subsec. (f).

1977—Subsec. (e). Pub. L. 95-113 added subsec. (e).

1972—Subsec. (b). Pub. L. 92-318 designated existing provisions as par. (1) and added par. (2).

1962—Subsec. (b). Pub. L. 87-749, § 1(b), substituted “sums available” for “sums received”, and “1962” for

“1953”, and struck out “, Alaska, Hawaii, Puerto Rico,” before “and the Federal Extension Service”, “such sums shall be” before “subject to the same requirement”, “, Alaska, Hawaii, and Puerto Rico as existed immediately prior to June 26, 1953” before “except that amounts heretofore”, and proviso which authorized Puerto Rico to receive the total initial amount set by Act Oct. 26, 1949, which amount was to be increased yearly until the total sum equalled the maximum amount set by such Act, and to receive such amount annually thereafter.

Subsec. (c)1. Pub. L. 87-749, § 1(c), provided that the allotment shall be to the Federal Extension Service for various services and for coordinating the extension work of the Department, States, Territories and Possessions, and struck out provisions which required the Secretary to allot the funds among the States, Alaska, Hawaii, and Puerto Rico according to special needs.

Subsec. (c)2. Pub. L. 87-749, § 1(d), substituted provisions authorizing 20 per centum of the remainder of the appropriated funds to be paid to the States in equal proportions, 40 per centum of such funds to be paid to the States in the proportion that the rural population of each bears to the total rural population of the States, and the balance to be paid the States in the proportion that the farm population of each bears to the total farm population of the States, for provisions paying 50 per centum of the remaining sum to the States, Alaska, Hawaii and Puerto Rico in the proportion that the rural population of each had to the total rural population of all, and the balance in the proportion that the farm population of each had to the farm population of all, and struck out “, Alaska, Hawaii, and Puerto Rico” from first proviso.

Subsec. (d). Pub. L. 87-749, § 1(e), inserted “additional” after “receive such”.

1953—Act June 26, 1953, amended section generally, and, among other changes: (1) divided section into subsections; (2) substituted general authorization for appropriations for former authorization for specific annual appropriations; (3) inserted references to Alaska, Hawaii, and Puerto Rico; and (4) substituted provisions relating to allotment and apportionment of appropriations for former provisions for such apportionment on basis of rural population, and farm population, as determined by latest census.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-277, div. A, § 101(a) [title VII, § 753(f)], Oct. 21, 1998, 112 Stat. 2681, 2681-33, provided that: “The amendments made by this section [amending this section, sections 361c, 2204f, 4606, and 7621 of this title, and section 1642 of Title 16, Conservation] shall take effect on the date of enactment of the Agricultural Research, Extension, and Education Reform Act of 1998 [June 23, 1998].”

EFFECTIVE DATE OF 1985 AMENDMENT

Section 1435(d) of Pub. L. 99-198 provided that: “This section and the amendments made by this section [amending this section and section 342 of this title] shall become effective on October 1, 1985.”

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-113 effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as a note under section 1307 of this title.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-318 effective after June 30, 1970, see section 506(n) of Pub. L. 92-318, set out as an Effective Date note under section 326a of this title.

§§ 343a to 343c-1. Repealed. June 26, 1953, ch. 157, § 2, 67 Stat. 85, 86

Section 343a, acts May 22, 1928, ch. 687, § 1, 45 Stat. 711; Mar. 10, 1930, ch. 73, 46 Stat. 83, authorized additional annual appropriations of \$980,000, and \$500,000, further to develop cooperative agricultural extension work under sections 341 to 343, 344 to 346, and 347a to 349 of this title, provided for the disposition of such sums, and extended the system to Hawaii.

Section 343b, act May 22, 1928, ch. 687, § 2, 45 Stat. 712, provided that the sums appropriated under said section 343a should be in addition to sums appropriated under section 343 of this title, or sums otherwise annually appropriated for cooperative agricultural extension work.

Section 343c, acts June 29, 1935, ch. 338, title II, § 21, 49 Stat. 438; June 6, 1945, ch. 175, § 2, 59 Stat. 233, authorized further additional appropriations on an ascending scale until they amounted to \$12,000,000 annually, further to develop the cooperative agricultural system inaugurated under sections 341 to 343, 344 to 346, 347a to 349 of this title, and provided for their disposition.

Section 343c-1, acts Apr. 24, 1939, ch. 85, 53 Stat. 589; Sept. 21, 1944, ch. 412, title VII, § 707, 58 Stat. 742, authorized additional appropriations of \$555,000 annually, for the purpose of paying the expenses of cooperative extension work in agriculture and home economics, and provided for their disposition.

The provisions that were contained in all of the above repealed sections are covered generally by sections 341 to 343, 344 to 346, and 347a to 349 of this title.

§ 343d. Transferred

CODIFICATION

Section, act June 29, 1935, ch. 338, title II, § 22, 49 Stat. 439, as amended, which related to additional appropriations for agricultural colleges, was transferred to section 329 of this title.

§§ 343d-1 to 343d-5. Repealed. June 26, 1953, ch. 157, § 2, 67 Stat. 86

Section 343d-1, act June 29, 1935, ch. 338, title II, § 23, as added June 6, 1945, ch. 175, § 1, 59 Stat. 231, authorized further additional appropriations, commencing with the fiscal year ended June 30, 1946 and continuing on an ascending scale until they amounted to \$12,500,000 for the fiscal year ended June 30, 1948 and each subsequent fiscal year, further to develop the cooperative agricultural extension system inaugurated under sections 341 to 343, 344 to 346, and 347a to 349 of this title, and provided for their disposition.

Sections 343d-2 and 343d-3, act Oct. 26, 1949, ch. 753, §§ 1, 2, 63 Stat. 926, extended the provisions of former section 343d-1 of this title to Puerto Rico and for such purposes, authorized additional appropriations on an ascending scale until they should amount to \$401,090 annually.

Sections 343d-4 and 343d-5, act Oct. 27, 1949, ch. 768, §§ 1, 2, 63 Stat. 939, extended the provisions of former sections 343a, 343b, 343c and 343d-1 of this title to Alaska, and, for such purpose, authorized annual appropriations in amounts to be computed on the same basis as computations of appropriations to States, subject to annual estimates as to funds and amounts by the Secretary of Agriculture.

See, generally, sections 341 to 343, 344 to 346, and 347a to 349 of this title.

§ 343e. Repealed. Oct. 27, 1949, ch. 768, § 3, 63 Stat. 940

Section, act June 20, 1936, ch. 631, §§ 1, 3, 49 Stat. 1553, 1554, related to extension of benefits of former sections 343a and 343b of this title to Alaska. See notes thereunder.

§§ 343f, 343g. Repealed. June 26, 1953, ch. 157, § 2, 67 Stat. 86

Sections, act Aug. 28, 1937, ch. 878, §§ 1, 2, 50 Stat. 881, extended benefits of former section 343c of this title to

Puerto Rico, and for such purpose, authorized appropriations, commencing with initial authorization of \$88,000 for the fiscal year beginning after August 28, 1937, and on an ascending scale thereafter, until they amounted to \$408,000 annually. See sections 341 to 343, 344 to 346, and 347a to 349 of this title.

§ 344. Ascertainment of entitlement of State to funds; time and manner of payment; State reporting requirements; plans of work

(a) Ascertainment of entitlement

On or about the first day of October in each year after June 26, 1953, the Secretary of Agriculture shall ascertain as to each State whether it is entitled to receive its share of the annual appropriation for cooperative agricultural extension work under this subchapter and the amount which it is entitled to receive. Before the funds herein provided shall become available to any college for any fiscal year, plans for the work to be carried on under this subchapter shall be submitted by the proper officials of each college and approved by the Secretary of Agriculture. The Secretary shall ensure that each college seeking to receive funds under this subchapter has in place appropriate guidelines, as determined by the Secretary, to minimize actual or potential conflicts of interest among employees of such college whose salaries are funded in whole or in part with such funds.

(b) Time and manner of payment; related reports

The amount to which a State is entitled shall be paid in equal quarterly payments in or about July, October, January, and April of each year to the treasurer or other officer of the State duly authorized by the laws of the State to receive the same, and such officer shall be required to report to the Secretary of Agriculture on or about the first day of April of each year, a detailed statement of the amount so received during the previous fiscal year and its disbursement, on forms prescribed by the Secretary of Agriculture.

(c) Requirements related to plan of work

Each extension plan of work for a State required under subsection (a) of this section shall contain descriptions of the following:

(1) The critical short-term, intermediate, and long-term agricultural issues in the State and the current and planned extension programs and projects targeted to address the issues.

(2) The process established to consult with extension users regarding the identification of critical agricultural issues in the State and the development of extension programs and projects targeted to address the issues.

(3) The efforts made to identify and collaborate with other colleges and universities within the State, and within other States, that have a unique capacity to address the identified agricultural issues in the State and the extent of current and emerging efforts (including regional efforts) to work with those other institutions.

(4) The manner in which research and extension, including research and extension activities funded other than through formula funds, will cooperate to address the critical issues in the State, including the activities to be car-

ried out separately, the activities to be carried out sequentially, and the activities to be carried out jointly.

(5) The education and outreach programs already underway to convey available research results that are pertinent to a critical agricultural issue, including efforts to encourage multicounty cooperation in the dissemination of research results.

(d) Extension protocols

(1) Development

The Secretary of Agriculture shall develop protocols to be used to evaluate the success of multistate, multi-institutional, and multidisciplinary extension activities and joint research and extension activities in addressing critical agricultural issues identified in the plans of work submitted under subsection (a) of this section.

(2) Consultation

The Secretary of Agriculture shall develop the protocols in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board established under section 3123 of this title and land-grant colleges and universities.

(e) Treatment of plans of work for other purposes

To the maximum extent practicable, the Secretary shall consider a plan of work submitted under subsection (a) of this section to satisfy other appropriate Federal reporting requirements.

(May 8, 1914, ch. 79, § 4, 38 Stat. 374; June 26, 1953, ch. 157, § 1, 67 Stat. 85; Pub. L. 87-749, § 1(f), Oct. 5, 1962, 76 Stat. 745; Pub. L. 94-273, § 15, Apr. 21, 1976, 90 Stat. 379; Pub. L. 101-624, title XVI, § 1617, Nov. 28, 1990, 104 Stat. 3732; Pub. L. 105-185, title II, § 202(a), June 23, 1998, 112 Stat. 531.)

AMENDMENTS

1998—Pub. L. 105-185 inserted section catchline, designated existing provisions as subsecs. (a) and (b), inserted subsec. headings, in subsec. (b) substituted “The amount to which a State is entitled” for “Such sums”, and added subsecs. (c) to (e).

1990—Pub. L. 101-624 inserted after second sentence “The Secretary shall ensure that each college seeking to receive funds under this subchapter has in place appropriate guidelines, as determined by the Secretary, to minimize actual or potential conflicts of interest among employees of such college whose salaries are funded in whole or in part with such funds.”

1976—Pub. L. 94-273 substituted “of October” for “of July” and “of April” for “of January”.

1962—Pub. L. 87-749 substituted “quarterly payments in or about July, October, January, and April” for “semiannual payments on the first day of January and July”, and struck out “, Territory or possession” wherever appearing.

1953—Act June 26, 1953, among other changes, inserted first two sentences, inserted references to “Territory, or possession” after references to “State,” in sentence commencing “Such sums”, and in such sentence, struck out reference to payment by the Secretary of the Treasury upon warrant of the Secretary of Agriculture, and substituted “January” for “September” with respect to submission of annual detailed statements.

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-185, title II, § 202(c), June 23, 1998, 112 Stat. 533, provided that: “The amendments made by this sec-

tion [amending this section and section 361g of this title] take effect on October 1, 1999.”

§ 345. Replacement of diminished, lost or misapplied funds; restrictions on use; reports of colleges

If any portion of the moneys received by the designated officer of any State for the support and maintenance of cooperative agricultural extension work, as provided in this subchapter, shall by any action or contingency be diminished or lost or be misapplied, it shall be replaced by said State and until so replaced no subsequent appropriation shall be apportioned or paid to said State. No portion of said moneys shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings, or the purchase or rental of land, or in college-course teaching, lectures in college, or any other purpose not specified in this subchapter.

(May 8, 1914, ch. 79, § 5, 38 Stat. 374; June 26, 1953, ch. 157, § 1, 67 Stat. 85; Pub. L. 87-749, § 1(g), Oct. 5, 1962, 76 Stat. 745; Pub. L. 110-234, title VII, § 7403(b), May 22, 2008, 122 Stat. 1246; Pub. L. 110-246, § 4(a), title VII, § 7403(b), June 18, 2008, 122 Stat. 1664, 2007.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Pub. L. 110-246, § 7403(b), struck out at end “It shall be the duty of said colleges, annually, on or about the first day of January, to make to the Governor of the State in which it is located a full and detailed report of its operations in extension work as defined in this subchapter, including a detailed statement of receipts and expenditures from all sources for this purpose, a copy of which report shall be sent to the Secretary of Agriculture.”

1962—Pub. L. 87-749 struck out references to territories and possessions wherever appearing.

1953—Act June 26, 1953, among other changes, inserted “Territory, or possession” after “State,” wherever latter term appeared, struck out provision that not more than five per centum of each annual appropriation should be applied to the printing and distribution of publications, and struck out the provision that copies of the required reports should be sent to the Secretary of the Treasury.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

§ 346. Repealed. Pub. L. 105-185, title I, § 103(f)(1), June 23, 1998, 112 Stat. 528

Section, acts May 8, 1914, ch. 79, § 6, 38 Stat. 374; June 26, 1953, ch. 157, § 1, 67 Stat. 85; Pub. L. 87-749, § 1(g), Oct. 5, 1962, 76 Stat. 745, related to report of nonentitlement to President, retention of amount involved in Treasury, appeal from determination, and disposition of sum.

§ 347. Repealed. Pub. L. 86-533, § 1(21), June 29, 1960, 74 Stat. 249

Section, acts May 8, 1914, ch. 79, § 7, 38 Stat. 374; June 26, 1953, ch. 157, § 1, 67 Stat. 85, required Secretary of

Agriculture to report to Congress receipts, expenditures, and results of cooperative agriculture extension work in all States, Territories, or possessions receiving benefits of sections 341 to 343, 344 to 346, and 347a to 349 of this title.

§ 347a. Disadvantaged agricultural areas

(a) Congressional findings

The Congress finds that there exists special circumstances in certain agricultural areas which cause such areas to be at a disadvantage insofar as agricultural development is concerned, which circumstances include the following: (1) There is concentration of farm families on farms either too small or too unproductive or both; (2) such farm operators because of limited productivity are unable to make adjustments and investments required to establish profitable operations; (3) the productive capacity of the existing farm unit does not permit profitable employment of available labor; (4) because of limited resources, many of these farm families are not able to make full use of current extension programs designed for families operating economic units nor are extension facilities adequate to provide the assistance needed to produce desirable results.

(b) Appropriation

In order to further the purposes of section 342 of this title in such areas and to encourage complementary development essential to the welfare of such areas, there are authorized to be appropriated such sums as the Congress from time to time shall determine to be necessary for payments to the States on the basis of special needs in such areas as determined by the Secretary of Agriculture.

(c) Assistance

In determining that the area has such special need, the Secretary shall find that it has a substantial number of disadvantaged farms or farm families for one or more of the reasons heretofore enumerated. The Secretary shall make provisions for the assistance to be extended to include one or more of the following: (1) Intensive on-the-farm educational assistance to the farm family in appraising and resolving its problems; (2) assistance and counseling to local groups in appraising resources for capability of improvement in agriculture or introduction of industry designed to supplement farm income; (3) cooperation with other agencies and groups in furnishing all possible information as to existing employment opportunities, particularly to farm families having under-employed workers; and (4) in cases where the farm family, after analysis of its opportunities and existing resources, finds it advisable to seek a new farming venture, the providing of information, advice, and counsel in connection with making such change.

(d) Allocation of funds

No more than 10 per centum of the sums available under this section shall be allotted to any one State. The Secretary shall use project proposals and plans of work submitted by the State Extension directors as a basis for determining the allocation of funds appropriated pursuant to this section.

(e) Appropriation as additional; limitation on amount

Sums appropriated pursuant to this section shall be in addition to, and not in substitution for, appropriations otherwise available under this subchapter. The amounts authorized to be appropriated pursuant to this section shall not exceed a sum in any year equal to 10 per centum of sums otherwise appropriated pursuant to this subchapter.

(May 8, 1914, ch. 79, § 8, as added Aug. 11, 1955, ch. 798, § 1(a), 69 Stat. 683; amended Pub. L. 87-749, § 1(h), Oct. 5, 1962, 76 Stat. 745.)

PRIOR PROVISIONS

A prior section 8 of act May 8, 1914, was renumbered section 9 and is classified to section 348 of this title.

AMENDMENTS

1962—Subsec. (b). Pub. L. 87-749 struck out “, Alaska, Hawaii, and Puerto Rico” before “on the basis of”.

§ 348. Rules and regulations

The Secretary of Agriculture is authorized to make such rules and regulations as may be necessary for carrying out the provisions of this subchapter.

(May 8, 1914, ch. 79, § 9, formerly § 8, 38 Stat. 374; June 26, 1953, ch. 157, § 1, 67 Stat. 85; renumbered § 9, Aug. 11, 1955, ch. 798, § 1(b), 69 Stat. 684.)

AMENDMENTS

1953—Act June 26, 1953, substituted provisions for rules and regulations for provisions empowering Congress to alter, amend, or repeal sections 341 to 343 and 344 to 348 of this title at any time.

§ 349. “State” defined

The term “State” means the States of the Union, Puerto Rico, the Virgin Islands, Guam and the Northern Mariana Islands.

(May 8, 1914, ch. 79, § 10, as added Pub. L. 87-749, § 1(i), Oct. 5, 1962, 76 Stat. 745; amended Pub. L. 92-318, title V, § 506(h), June 23, 1972, 86 Stat. 351; Pub. L. 99-396, § 9(f), Aug. 27, 1986, 100 Stat. 840.)

AMENDMENTS

1986—Pub. L. 99-396 amended section generally, expanding definition of “State” to include the Northern Mariana Islands.

1972—Pub. L. 92-318 inserted reference to Virgin Islands and Guam.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-318 effective after June 30, 1970, see section 506(n) of Pub. L. 92-318, set out as a note under section 326a of this title.

CHAPTER 14—AGRICULTURAL EXPERIMENT STATIONS

SUBCHAPTER I—GENERAL PROVISIONS

Sec.	
361.	Repealed.
361a.	Congressional declaration of purpose; definitions.
361b.	Congressional statement of policy; researches, investigations and experiments.
361c.	Authorization of appropriations and allotments of grants.
361d.	Use of funds.